

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

BIO SOIL ENHANCERS, INC.

PLAINTIFF

V.

CIVIL ACTION NO. 2:14cv29-KS-MTP

**NASSER SYED, DAVID
E. BARTOK D/B/A REECLAIM, LLC A/K/A
D/B/A LAKELAND CORPORATION,
LAKELAND OF ILLINOIS, INC., and
DOES 1-10**

DEFENDANTS

ORDER

This matter is before the Court on the Plaintiff/Counter-Defendant Bio Soil Enhancers, Inc.'s ("Bio Soil") Motion to Dismiss [57], Motion to Strike [58], and Motion to Strike [59]. Each of these motions is contained within the body of an answer to a counterclaim. Furthermore, no separate memorandum brief has been filed in support of any of the motions. The Court's Local Uniform Civil Rules provide that although "affirmative defenses may be enumerated in the answer, the court will not recognize a motion included within the body of the answer, but only those raised by a separate filing." L.U.Civ.R. 7(b)(2)(A). In addition, movants "must file a memorandum brief in support of" any motion except when a matter may be heard ex parte or relates to an urgent concern. L.U.Civ.R. 7(b)(4).

The subject motions do not appear to relate to any urgent or necessitous matter, and the relief requested would be best addressed after hearing from all sides. Moreover, Bio Soil has not requested that the requirement of submitting a separate memorandum brief be excused. Accordingly, the motions will be denied without prejudice to refiling in accordance with the Court's Local Uniform Civil Rules.

IT IS THEREFORE ORDERED AND ADJUDGED that the Motion to Dismiss [57], Motion to Strike [58], and Motion to Strike [59] are all denied without prejudice.

SO ORDERED AND ADJUDGED this the 27th day of August, 2014.

s/Keith Starrett
UNITED STATES DISTRICT JUDGE